

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:17cr14-MHT
)	(WO)
DAVID SCOTT GAFFORD)	

ORDER

It has come to the court's attention that defendant David Scott Gafford has been allegedly disruptive while in the custody of the United States Marshal and that he has allegedly threatened suicide. Based on the representations made by counsel, the court has a "bona fide doubt" regarding Gafford's competency to stand trial. United States v. Nickels, 324 F.3d 1250, 1252 (11th Cir. 2003). This doubt includes Gafford's current condition, which affects both his ability to stand trial and to engage in plea negotiations that would result in a valid plea, that is, a plea made voluntarily, knowingly, and intelligently. See San Pedro v. United States, 79 F.3d 1065, 1075 (11th Cir.

1996). The court finds, therefore, that a psychiatric examination is warranted.

* * *

Accordingly, it is ORDERED as follows:

- (1) Defendant David Scott Gafford is to meet with a local forensic psychologist of his choice for a psychological evaluation to assess both (a) his competency to stand trial and (b) his general mental state.
- (2) Counsel for defendant Gafford is to arrange the times and dates for defendant Gafford to be evaluated.
- (3) Pursuant to 18 U.S.C. § 4247(c), the psychologist is to conduct the necessary battery of tests to provide the court with the requisite information concerning defendant Gafford's mental health at this time, which shall include the following:
 - (a) Defendant Gafford's personal medical history and present symptoms;

- (b) A description of the psychiatric, psychological, and medical tests that were employed and their results; and
 - (c) The psychologist's findings, opinions, and conclusions as to defendant Gafford's diagnosis and prognosis, and whether defendant Gafford's current condition is such that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.
- (4) The psychologist is to file the report with the court by noon on August 23, 2017, and to provide copies to counsel for defendant Gafford and counsel for the United States.
- (5) Funds not to exceed \$ 1,000.00 are approved pursuant to 18 U.S.C. § 3006A(e)(3) for the purpose of obtaining the psychological evaluation.

(6) A hearing on defendant Gafford's competency is set for August 25, 2017, at 10:00 a.m. in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

DONE, this the 9th day of August, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE